

SENATE FLOOR SUBSTITUTE FOR  
SENATE BILLS 430 & 503

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

AN ACT

RELATING TO THE LEGISLATURE; CREATING THE LEGISLATIVE HEALTH  
COMMITTEE TO PROVIDE FOR ONGOING STUDY ON HEALTH CARE REFORM;  
CREATING THE LEGISLATIVE HUMAN SERVICES OVERSIGHT COMMITTEE;  
ABOLISHING THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE;  
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] CREATION OF LEGISLATIVE HEALTH  
COMMITTEE--MEMBERS--NUMBER--APPOINTMENT--TERMS--STAFF.--

A. A permanent joint interim committee of the  
legislature to be called the "legislative health committee" is  
created. The committee shall be composed of fourteen members,  
seven from the senate and seven from the house of  
representatives. The house health and government affairs  
committee and the senate public affairs committee shall be

.173187.1

underscored material = new  
[bracketed material] = delete

1 represented. The committee members shall be appointed for  
2 terms of two years or less, expiring on the first day of each  
3 regular session that convenes in an odd-numbered year. The  
4 term of any member shall terminate when the member ceases to be  
5 a member of the legislature. Members of the senate shall be  
6 appointed by the committees' committee of the senate or, if the  
7 appointment is made in the interim, by the president pro  
8 tempore after consultation with and agreement of a majority of  
9 the members of the committees' committee. Members of the house  
10 of representatives shall be appointed by the speaker of the  
11 house of representatives. Minority members shall be appointed  
12 by the speaker only from recommendations made by the minority  
13 floor leader; provided that the speaker shall retain the right  
14 to reject any such recommendations. Vacancies on the committee  
15 shall be filled for the unexpired term by the respective  
16 appointing authority that makes the original appointments and  
17 shall be subject to the same recommendations; provided that  
18 members shall be appointed from the respective houses, parties  
19 and committees so as to maintain the same number of house and  
20 senate members and the same representation of standing  
21 committees as provided in the original appointments. Each of  
22 the two parties having the greatest number of members in the  
23 legislature shall be represented on the committee in proportion  
24 to the membership of each such party in each house; provided  
25 that in the computation, major fractions shall be counted as

.173187.1

1 whole numbers and in no event shall either of the two major  
2 parties have less than one member from each house.

3 B. The officers of the committee shall be a chair  
4 and a vice chair. Each office shall be alternated between the  
5 respective houses every two years. For the term beginning in  
6 2008, the chair shall be a house member and the vice chair  
7 shall be a senate member. The appointing authority of each  
8 house shall exercise its appointing authority by naming the  
9 chair or vice chair respectively on this alternating basis.

10 C. No action shall be taken by the committee if a  
11 majority of the total membership from either house on the  
12 committee rejects such action.

13 D. Staff for the committee shall be provided by the  
14 legislative council service.

15 Section 2. [NEW MATERIAL] DUTIES OF THE COMMITTEE.--The  
16 legislative health committee shall:

17 A. conduct a continuing study of all health care in  
18 New Mexico, including the programs, agencies, policies, issues,  
19 needs and costs relating to health and health care systems;

20 B. conduct a continuing review and study of the  
21 statutes, constitutional provisions, regulations and court  
22 decisions governing programs, agencies and issues relating to  
23 health;

24 C. study existing and prospective public and  
25 private health care system financing, cost-containment

.173187.1

1 initiatives and benefit issues; barriers to health care access;  
2 health disparities; appropriate enrollment strategies; delivery  
3 systems for prevention and management of chronic disease;  
4 strategies for provider recruitment and retention; the impact  
5 of federal initiatives to expand health coverage, as well as  
6 federal legal and administrative requirements for improving the  
7 access of uninsured New Mexicans to affordable health care; and  
8 Native American health care access needs and the federal  
9 government's participation in addressing those needs;

10 D. study post-secondary student health care and  
11 factors incident to providing that health care, including  
12 numbers of uncovered students, sources of health care coverage,  
13 the current role of student health care services and possible  
14 expanded student health care services and possible funding  
15 mechanisms for student health care coverage;

16 E. recommend changes in laws relating to health and  
17 health care, if any are deemed desirable, and draft and present  
18 to the legislature any legislation deemed necessary;

19 F. prepare and publish by December 1 of each year  
20 for the upcoming legislative session an annual report of its  
21 findings and recommendations relating to the adoption of  
22 legislation and rules, if any are found to be necessary, and  
23 make additional reports as it deems necessary; and

24 G. by November 30, 2009, submit an initial report  
25 to the governor and legislature with findings and

.173187.1

1 recommendations, after consideration of actuarial, solvency,  
2 fiscal and policy analyses, and after public and stakeholder  
3 input, regarding:

4 (1) the efficacy of creating a state health  
5 care authority;

6 (2) whether or how to consolidate any  
7 actuarial pools; and

8 (3) whether to allow private employers to  
9 purchase coverage through any state programs or pools.

10 Section 3. [NEW MATERIAL] EXPERT ADVISORY COUNCILS.--The  
11 legislative health committee may appoint expert advisory  
12 councils to provide the committee with expert analysis on the  
13 areas set out in Section 2 of this act and other areas as  
14 determined by the committee. Members of the advisory councils  
15 shall receive per diem and mileage as provided in the Per Diem  
16 and Mileage Act.

17 Section 4. A new Section 2-3-8.1 NMSA 1978 is enacted to  
18 read:

19 "2-3-8.1. [NEW MATERIAL] HEALTH CARE UNIT.--

20 A. The legislative council service shall establish  
21 a "health care unit", staffed by persons knowledgeable and  
22 proficient in the areas of health and health care, research or  
23 policy analysis.

24 B. The health care unit shall staff the legislative  
25 health committee, conduct research and develop policy options

.173187.1

1 regarding health care coverage and access, health professional  
2 supply and quality of health care and other health issues."

3 Section 5. Section 2-17-1 NMSA 1978 (being Laws 1998,  
4 Chapter 8, Section 21 and Laws 1998, Chapter 9, Section 21, as  
5 amended by Laws 2003, Chapter 311, Section 1 and by Laws 2003,  
6 Chapter 432, Section 1) is amended to read:

7 "2-17-1. [~~WELFARE REFORM~~] HUMAN SERVICES OVERSIGHT  
8 COMMITTEE CREATED [~~TERMINATION~~].--The joint interim legislative  
9 [~~welfare reform~~] "human services oversight committee" is  
10 created. [~~The committee shall function from the date of its~~  
11 ~~appointment until December 15 prior to the first session of the~~  
12 ~~forty-ninth legislature.]"~~

13 Section 6. Section 2-17-2 NMSA 1978 (being Laws 1998,  
14 Chapter 8, Section 22 and Laws 1998, Chapter 9, Section 22) is  
15 amended to read:

16 "2-17-2. MEMBERSHIP--APPOINTMENT--VACANCIES.--

17 A. The [~~welfare reform~~] human services oversight  
18 committee shall be composed of twelve members. The New Mexico  
19 legislative council shall appoint six members from the house of  
20 representatives and six members from the senate. At the time  
21 of making the appointment, the legislative council shall  
22 designate the [~~chairman~~] chair and vice [~~chairman~~] chair of the  
23 committee.

24 B. Members shall be appointed from each house so as  
25 to give the two major political parties in each house the same

.173187.1

1 proportionate representation on the committee as prevails in  
 2 each house; however, in no event shall either party have less  
 3 than one member from each house on the committee. At the  
 4 request of the committee [~~chairman~~] chair, members may be  
 5 removed from the committee by the New Mexico legislative  
 6 council for nonattendance according to council policy.  
 7 Vacancies on the committee, however caused, may be filled by  
 8 the legislative council, or the council may reduce the size of  
 9 the committee by not making replacement appointments and in  
 10 that case need not readjust party representation.

11 C. An action shall not be taken by the committee if  
 12 a majority of the total membership from either house on the  
 13 committee rejects that action."

14 Section 7. Section 2-17-3 NMSA 1978 (being Laws 1998,  
 15 Chapter 8, Section 23 and Laws 1998, Chapter 9, Section 23) is  
 16 amended to read:

17 "2-17-3. DUTIES.--

18 A. After its appointment, the [~~welfare reform~~]  
 19 human services oversight committee shall hold one  
 20 organizational meeting to develop a work plan and budget for  
 21 the ensuing interim. The work plan and budget shall be  
 22 submitted to the New Mexico legislative council for approval.  
 23 Upon approval of the work plan and budget by the legislative  
 24 council, the committee shall:

25 (1) examine the statutes, constitutional

.173187.1

1 provisions and rules governing welfare reform in New Mexico;

2 (2) monitor and oversee the implementation of  
3 the New Mexico Works Act;

4 (3) review issues related to welfare reform,  
5 including job training programs and related contracts; cash  
6 assistance; child care, transportation and other job-related  
7 services; and other issues that arise because of the devolution  
8 of the federal welfare programs to the states; [~~and~~

9 ~~(4) make recommendations relating to the~~  
10 ~~adoption of rules and legislation, if any are found to be~~  
11 ~~necessary]~~

12 (4) conduct a continuing study of the  
13 programs, agencies, policies, issues and needs relating to  
14 human services in New Mexico, including review and study of the  
15 statutes, constitutional provisions, regulations and court  
16 decisions governing such programs, agencies, policies, issues  
17 and needs;

18 (5) study the full continuum of programs and  
19 services available and needed for children, families and the  
20 aging population; and

21 (6) prepare and publish by December 1 of each  
22 year for the upcoming legislative session an annual report of  
23 its findings and recommendations relating to the adoption of  
24 rules and legislation, if any are found to be necessary.

25 B. The committee shall regularly receive testimony

1 from the secretaries of human services; [~~labor~~] workforce  
 2 solutions; children, youth and families; [~~and~~] health; and [~~the~~  
 3 ~~superintendent of public instruction~~] public education on  
 4 issues arising from the implementation of the New Mexico Works  
 5 Act and shall review proposed rules, schedules and formulae  
 6 before adoption."

7 Section 8. Section 2-17-4 NMSA 1978 (being Laws 1998,  
 8 Chapter 8, Section 24 and Laws 1998, Chapter 9, Section 24) is  
 9 amended to read:

10 "2-17-4. SUBCOMMITTEES.--Subcommittees shall be created  
 11 only by majority vote of all members appointed to the [~~welfare~~  
 12 ~~reform~~] human services oversight committee and with the prior  
 13 approval of the New Mexico legislative council. A subcommittee  
 14 shall be composed of at least one member from the senate and  
 15 one member from the house of representatives, and at least one  
 16 member of the minority party shall be a member of the  
 17 subcommittee. Any meeting or expenditure of a subcommittee  
 18 shall be approved by the full committee in advance of that  
 19 meeting or expenditure, and the approval shall be shown in the  
 20 minutes of the committee."

21 Section 9. Section 2-17-6 NMSA 1978 (being Laws 1998,  
 22 Chapter 8, Section 26 and Laws 1998, Chapter 9, Section 26) is  
 23 amended to read:

24 "2-17-6. STAFF.--The staff for the [~~welfare reform~~] human  
 25 services oversight committee shall be provided primarily by the

.173187.1

1 legislative council service, but the legislative council  
2 service may request the assistance of the legislative finance  
3 committee staff at the direction of the [~~welfare reform~~] human  
4 services oversight committee."

5 Section 10. Section 9-7-11.2 NMSA 1978 (being Laws 1991,  
6 Chapter 139, Section 2, as amended) is amended to read:

7 "9-7-11.2. NEW MEXICO HEALTH POLICY COMMISSION  
8 CREATED--COMPOSITION--DUTIES.--

9 A. There is created the "New Mexico health policy  
10 commission", which is administratively attached to the  
11 department of finance and administration.

12 B. The New Mexico health policy commission shall  
13 consist of nine members appointed by the governor with the  
14 advice and consent of the senate to reflect the ethnic,  
15 economic, geographic and professional diversity of the state.  
16 A majority of the commission members shall have no pecuniary or  
17 fiduciary interest in the health services industry while  
18 serving or for three years preceding appointment to the  
19 commission. Three members shall be appointed for one-year  
20 terms, three members shall be appointed for two-year terms and  
21 three members shall be appointed for three-year terms, and all  
22 subsequent appointments shall be made for three-year terms.

23 C. The New Mexico health policy commission shall  
24 meet at the call of the chair and shall meet not less than  
25 quarterly. The chair shall be elected from among the members

.173187.1

1 of the commission. Members of the New Mexico health policy  
2 commission shall not be paid but shall receive per diem and  
3 mileage expenses as provided in the Per Diem and Mileage Act.

4 D. The New Mexico health policy commission shall  
5 establish task forces as needed to make recommendations to the  
6 commission on various health issues. Task force members may  
7 include individuals who have expertise or a pecuniary or  
8 fiduciary interest in the health services industry. Voting  
9 members of a task force may receive mileage expenses if they:

10 (1) are members who represent consumer  
11 interests;

12 (2) are individuals who were not appointed to  
13 represent the views of the organization or agency for which  
14 they work; or

15 (3) represent an organization that has a  
16 policy of not reimbursing travel expenses of employees or  
17 representatives for travel to meetings.

18 E. The New Mexico health policy commission shall:

19 (1) develop a plan for and monitor the  
20 implementation of the state's health policy;

21 (2) obtain and evaluate information from a  
22 broad spectrum of New Mexico's society to develop and monitor  
23 the implementation of the state's health policy;

24 (3) obtain and evaluate information relating  
25 to factors that affect the availability and accessibility of

.173187.1

1 health services and health care personnel in the public and  
2 private sectors;

3 (4) perform needs assessments on health  
4 personnel, health education and recruitment and retention and  
5 make recommendations regarding the training, recruitment,  
6 placement and retention of health professionals in underserved  
7 areas of the state;

8 (5) prepare and publish by October 1 each year  
9 an annual report describing the progress in addressing the  
10 state's health policy and planning issues. The report shall  
11 include a [~~workplan~~] work plan of goals and objectives for  
12 addressing the state's health policy and planning issues in the  
13 upcoming calendar year;

14 (6) distribute the annual report to the  
15 governor, appropriate state agencies and [~~interim~~] appropriate  
16 legislative committees and interested parties;

17 (7) establish a process to prioritize  
18 recommendations on program development, resource allocation and  
19 proposed legislation;

20 (8) provide information and analysis on health  
21 issues;

22 (9) serve as a catalyst and synthesizer of  
23 health policy in the public and private sectors;

24 (10) respond to requests by the executive and  
25 legislative branches of government; and

1 (11) ensure that any behavioral health  
2 projects, including those relating to mental health and  
3 substance abuse, are conducted in compliance with the  
4 requirements of Section 9-7-6.4 NMSA 1978.

5 F. The New Mexico health policy commission shall  
6 provide reports directly to the legislative health committee  
7 and shall coordinate the commission's studies, policy  
8 recommendations and findings with that committee."

9 Section 11. TEMPORARY PROVISION--REFERENCES IN LAW.--All  
10 references in law to the welfare reform oversight committee  
11 shall be deemed to be references to the human services  
12 oversight committee.

13 Section 12. REPEAL.--Sections 2-13-1 through 2-13-5 and  
14 2-17-5 NMSA 1978 (being Laws 1989, Chapter 349, Sections 1  
15 through 5 and Laws 1998, Chapter 8, Section 25 and Laws 1998,  
16 Chapter 9, Section 25) are repealed.